

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN  
MILWAUKEE DIVISION

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PATRICIA CAPREZ,

Plaintiff,

v.

Case Number: 16-735

RIGHT STEP, INC.;  
REBECCA FITCH, Individually and as agent for Right Step, Inc.,

Defendants.

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**29 U.S.C. § 1746 DECLARATION OF ATTORNEY NICHOLAS M. McLEOD**

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I, Nicholas M. McLeod, declare, certify, verify, and state as follows:

1. I am one of the attorneys for the Plaintiff, Patricia Caprez, and I am submitting this declaration for attorney fees pursuant to Judge Clevert's oral ruling on March 31, 2017 regarding the *Plaintiff's February 27, 2017 Motion to Compel Discovery and for Discovery Sanctions*.

2. I have been licensed to practice law in Federal Eastern District of Wisconsin since May 2008, when I also received my license to practice in Wisconsin.

3. I have represented hundreds of individuals in the Wisconsin Equal Rights Division and other Wisconsin administrative agencies, Circuit Courts throughout Wisconsin, both United States District Courts in Wisconsin, the 7<sup>th</sup> Circuit Court of Appeals, the Wisconsin Court of Appeals, and the Wisconsin Supreme Court.

4. Since April 21, 2015, my hourly rate has been \$280/hour based on a review of what other attorneys with similar experience and practices charged in the area, and \$280/hour is what I currently charge my clients who elect to pay me hourly.

5. Several Courts have approved my hourly rate of \$280 per hour, including Magistrate Judge Nancy Joseph, in a decision and order dated May 3, 2016 in *Wink v. Miller Compressing Company*, 2:14-cv-00367 (E.D. Wis.) *aff'd Wink v. Miller Compressing Company*, 845 F.3d 821 (7th Cir. 2017), after observing me in practice at trial in the Eastern District of Wisconsin.

6. I spent a total of 5.8 billable hours advancing *Plaintiff's February 27, 2017 Motion to Compel Discovery and for Discovery Sanctions*. The time that I incurred was reasonable and necessary to achieve the necessary outcome for my client. I have removed all hours from this calculation that could have been considered excessive or redundant. Itemized in the table below is the billable time I spent addressing the discovery issues and this motion.

Description of Legal Work	Date	Hours
Review file, email Atty. Brennan re: missing R26 disclosures	11.9.16	.1
Review file, draft and send letter re: missing R26 disclosures	11.22.16	.1
Review file for R26 disclosures, draft specific discovery requests addressing R26 information	1.3.17	.1
Review file, email Atty. Brennan re: missing discovery and R26 disclosures	2.7.17	.1
Draft letter re: missing discovery and R26 disclosures	2.8.17	.2
Receive and review email from Atty. Brennan, update calendar and file for follow up	2.10.17	.1
Receive and review email from Atty. Brennan, update calendar and file for follow up	2.17.17	.1
File check, conduct legal research into discovery sanctions, FRCP Fed R. Civ. P. (b)(2)(A)(i-vii), Fed R. Civ. P. 37(d)(3), Fed R. Civ. P. 37(A) & 37(C)(1), Fed R. Civ. P. 37(B)(iv),	2.27.17	2

37(d)(3), Fed R. Civ. P. 37(B)(iii) and Fed R. Civ. P. 37(d)(3). Fed R. Civ. P. 36(a)(3), 36(b), and 37(b)(2)(A)(i-ii). Fed R. Civ. P. 37(b)(2)(A)(iv), Fed R. Civ. P. 37(b)(2)(A), Fed R. Civ. P. 37(a)(5)(A).		
Consult with client	2.27.17	.1
Draft, Edit, review, and File Motion	2.27.17	1.5
Call with clerk re: status of Motion	3.30.17	.1
Receive motion notice, calendar, pull relevant files	3.31.17	.1
Review materials in preparation for hearing	3.31.17	.2
Appear at hearing	3.31.17	.2
Consult with Atty. Brennan re: witnesses per Court's Order, discuss with co-counsel, prepare for continued hearing	3.31.17	.2
Appear at continued motion hearing	3.31.17	.2
Prepare Fee Petition and Declaration	3.31.17	.4
<b>TOTAL</b>		<b>5.8</b>

7. My billable time of 5.8 hours at the rate of \$280/hour equals \$1,624,  
which is the amount I am requesting as the attorney fee sanction ordered by the Court.

8. I certify under penalty of perjury that the foregoing is true and correct.

Executed on this 31st day of March, 2017.

s/ Nicholas M. McLeod  
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